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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,054	11/29/1999	ASHOK V. KRISHNAMOORTHY	32	7078

7590 12/19/2001

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MURRAY HILL, NJ 079740636

EXAMINER

JACKSON, CORNELIUS H

ART UNIT	PAPER NUMBER
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2881

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/450,054

Applicant(s)

KRISHNAMOORTHY, ASHOK V.

Examiner

Cornelius H. Jackson

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-- Th MAILING DATE of this communication appears on th cov r sheet with th correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koh et al. (5416861). Koh et al. disclose a network **Fig. 1** for distributing a power signal in an optoelectronic circuit **20** comprising a plurality of electrically conductive pathways forming at least one level, wherein the portions of the conductive pathways are interconnected; a plurality of segments **24** forming each level, wherein each segment of the level is equal in length; means for coupling **16, 18 and 22** the power signal from a primary input to a point at the center of a first level; terminal nodes **26** coupled at the extremities of a last level for supplying the power signal to devices that form at least a portion of the

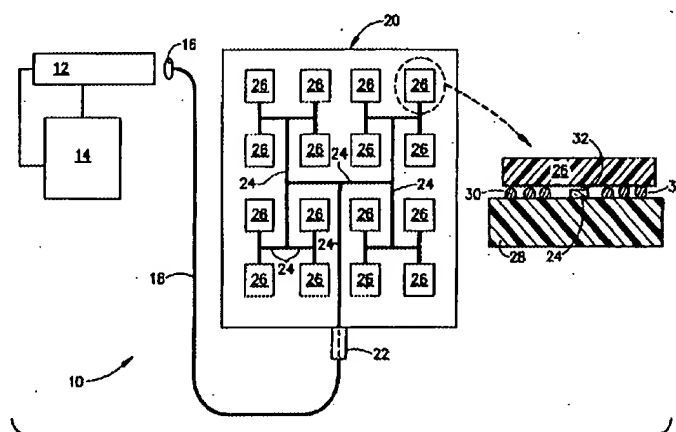


FIG. 1

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optoelectronic circuit **20**; and wherein the number of segments connecting the primary input to each of the terminal nodes is equal.

Regarding claims 2, Koh et al. disclose all stated limitations, **see Figs. 1-2.**

Regarding claim 4, Koh et al. disclose a network on an optoelectronic chip, **see col. 1, lines 48-54 and col. 26, lines 13-14.**

Regarding claim 5, Koh et al. disclose the terminal nodes are optoelectronic devices, **see claim 18.**

Regarding claims 10-11, it is inherent that the device claimed operates on using method claimed, therefore the rejection of the device applies also for the method.  
**(Also, see col. 10, lines 31-56.)**

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koh et al. (5416861). Koh et al., as applied to claims 1 and 2 above, teach all of the stated limitations except for that the pattern of the level is X-shaped. Koh et al. does teach the pattern of the level to be H-shaped, it would have been an obvious matter of design choice to change the shape of the pattern used to equally distribute the power

signal, since applicant has not disclosed that pattern shape solves any stated problem or is for any particular purpose and it appears that the prior art would perform equally well with the H-shaped pattern.

Regarding claim 6, it is well known that VCSELs are a form of integrated circuits, therefore it would only be a matter of design choice. Since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claims 7 and 9, see claims 1 and 3 above.

Regarding claim 8, see claims 1-3 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takano (6230300), see Figs. 1-4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703)306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

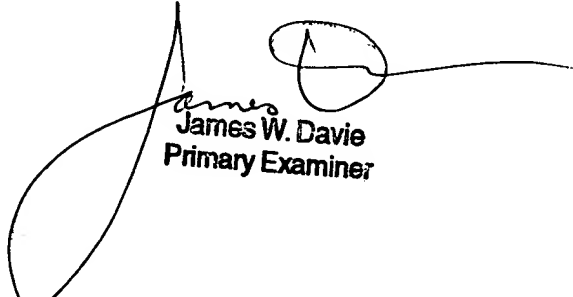
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dzierzynski can be reached on (703)308-4782. The fax phone numbers for the organization where this application or proceeding is assigned are

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(703)308-7722 for regular communications and (703)308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

chj  
December 14, 2001



James W. Davie  
Primary Examiner